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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 OPERATING ENGINEERS' HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
12 CALIFORNIA, et al.,

13 Plaintiffs,

14 v.

15 KINO AGGREGATES, INC., a Nevada
16 Corporation,

17 Defendant.
18

Case No.: C16-2795 HSG

**PLAINTIFFS' REQUEST TO CONTINUE
CASE MANAGEMENT CONFERENCE;
[PROPOSED] ORDER THEREON**

Date: Tuesday, August 30, 2016

Time: 2:00 p.m.

Ctrm: 10 – 19th Floor

450 Golden Gate Ave.

San Francisco, California

Judge: Hon. Haywood S. Gilliam

19 Plaintiffs respectfully request that the Case Management Conference, currently on calendar
20 for August 30, 2016, be continued for approximately 60-90 days. Good cause exists for the granting
21 of the continuance, as follows:

- 22 1. As the Court's records will reflect, this action was filed on May 24, 2016.
- 23 2. Defendant was served via substitution on June 9, 2016, with a June 15, 2016 mailing
24 deeming service effectuated on June 25, 2016. A Proof of Service of Summons was filed with the
25 Court on June 27, 2016 (Dkt. #11).
- 26 3. Defendant failed to plead or otherwise respond to the lawsuit, and the Clerk entered
27 default as to Defendant on July 26, 2016 (Dkt. #13). Defendant was duly served with a copy of the
28 Clerk's Notice of Default Entry, and a Proof of Service of same was filed with the Court on August

**PLAINTIFFS' REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER
THEREON**

1 4, 2016 (Dkt. #14).

2 4. Plaintiffs' counsel's attempts to contact Defendant concerning resolution of this
3 matter have been unsuccessful. Accordingly, Plaintiffs respectfully request that the Case
4 Management Conference, currently scheduled for August 30, 2016, be continued for 60-90 days, to
5 allow sufficient time for Plaintiffs to prepare and file a Motion for Default Judgment against
6 Defendant.

7 5. There are no issues that need to be addressed by the parties at the currently scheduled
8 Case Management Conference. In the interest of conserving costs as well as the Court's time and
9 resources, Plaintiffs respectfully request that the Court continue the currently scheduled Case
10 Management Conference.

11 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
12 entitled action, and that the foregoing is true of my own knowledge.

13 Executed this 22nd day of August, 2016, at San Francisco, California.

14
15 SALTZMAN & JOHNSON
16 LAW CORPORATION

17 By: _____/S/

18 Matthew P. Minser
19 Attorneys for Plaintiffs, Operating Engineers' Health
20 and Welfare Trust Fund for Northern California, et al.

21 IT IS SO ORDERED.

22 The currently set Case Management Conference is hereby continued to
23 _____ at _____, and all previously set deadlines and dates
24 related to this case are continued accordingly.

25 DATED: _____, 2016

26
27 UNITED STATES DISTRICT COURT JUDGE
28

PROOF OF SERVICE:

I, the undersigned, declare:

I am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On **August 23, 2016**, I served the following document(s) on the parties to this action in the manner described below:

**PLAINTIFFS' REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;
[PROPOSED] ORDER THEREON**

XX **MAIL**, being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States Mail copies of the same to the business addresses as specified below, in a sealed envelope fully prepared.

To:

**Kino Aggregates, Inc., a Nevada Corporation
c/o AABS, Inc., Agent for Service of Process
1817 Morena Blvd., Ste. A
San Diego, CA 92110**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 23rd day of August, 2016, at San Francisco, California.

_____/S/
Alicia Rutkowski
Paralegal